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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/001,435

10/31/2001

Min Zhu

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11/17/2006

ORRICK, HERRINGTON & SUTCLIFFE, LLP

IP PROSECUTION DEPARTMENT

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SUITE 1600

IRVINE, CA 92614-2558

EXAMINER

DIVECHA, KAMAL B

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,435

Applicant(s)

ZHU ET AL.

Examiner

KAMAL B. DIVECHA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 11, 12 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11, 12, 28-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Claims 1, 2, 11, 12, 28-32 are pending in this application.

Claim 32 is newly added claim.

This office action is in response to Request for Continued Examination (RCE) filed on September 01, 2006.

Applicant's arguments filed on September 01, 2006 with respect to claims 1, 2, 11, 12, 28-32 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Remote Access Session During Data Conferences, as obtained from the applicant's disclosure (specification, page 16).

Please note that the title must be changed because the scope of the invention has been changed during the examination process.

For example: During the first and second round of the examination, the invention was directed to a Remote Access system only, whereas the current claimed invention, as amended, is directed towards a system and method for remotely accessing a target computer during a data conference, from a remote computer.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 2, 11, 12, 28-32 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,691,154 B1 (issued to Zhu et al. of same assignee) in view of Slaughter, III et al. (hereinafter Slaughter, U. S. Patent No. 5,598,536).

As per claim 1, US Patent No. 6,691,154 discloses the process of automatically assigning control of the local computer system to the one or more remote computer systems in response to the one or more remote computers joining the data conference (i.e. a remote access or control

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system), the one or more remote computer systems providing the technical support for the identified application including controlling the desktop application on the local computer system and displaying the desktop of the local computer system at each remote computer system through a respective viewer application during the data conference, and wherein the desktop represents the desktop of the local computer system.

However, US Patent No. 6,691,154 does not disclose the authentication process for granting remote access to the local computer (i.e. receiving a request to access a target computer from a remote computer, determining whether the remote computer has permission to access the target computer; and enabling the remote computer to access the target computer if the remote computer has the permission).

Slaughter, explicitly discloses the authentication process, i.e. receiving a request to access the computer, determining whether the remote computer has permission to access the computer and granting or denying the access based on the determination of whether the remote computer has permission to access the computer (col. 3 L50-60, col. 5 L14-23, fig. 3 and fig. 2).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify US Patent No. 6,691,154 in view of Slaughter in order to receive a request and determine the user rights to access the local network or target computer.

One of ordinary skilled in the art would have been motivate because it would have provided a user authentication and security features (Slaughter, col. 2 L1-18).

Independent claim 11 is rejected for the same reasons as set forth in claim 1. Dependent claims 2, 12, 28-32 are rejected for the at least reasons as set forth in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-2, 11-12 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter, III et al. (hereinafter Slaughter, U. S. Patent No. 5,598,536) in view RIDDLE (US 2003/0187924 A1).

As per claim 1, Slaughter discloses a method comprising: receiving a request to access a target computer from a remote computer at a central computer system, wherein the target computer includes a desktop (col. 3 L10-52 and fig. 2 item #46, 48, 50); determining whether the remote computer has permission to access the resources on the target computer (fig. 3 step #57 and col. 3 L12-55); and enabling the remote computer to access the resources on the target

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computer if the remote computer has permission to access the resources on the target computer (col. 3 L50-60, col. 5 L14-23, fig. 3 step #58 and fig. 2).

However, Slaughter does not disclose the process of enabling the remote computer to access an application (i.e. a resource) on the target computer while the remote computer is participating in a data conference and enabling the remote computer to share the application on the target computer with viewers participating in the data conference.

RIDDLE, from the same field of endeavor explicitly discloses the process of enabling the remote computer to access an application on the target computer while the remote computer is participating in a data conference and enabling the remote computer to share the application on the target computer with viewers participating in the data conference (fig. 2, pg. 1 [0004], pg. 4 [0043], [0047], pg. 5 [0053-0056]).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Slaughter in view of RIDDLE in order to enable the remote computer to access and share the application while in data conference (Slaughter discloses remote access system and RIDDLE discloses a web conferencing application for sharing data between conference participants).

One of ordinary skilled in the art would have been motivated because teleconferencing is increasingly becoming popular application, enabling the transfer of audio and video data between users so that they can communicate with each other and share data through the Internet (RIDDLE, pg. 1 [0004]).

As per claim 2, Slaughter discloses the process of allowing the remote computer to specify accessible applications (i.e. allowing the remote computer to access the accessible

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applications) that are located on the target computer if the remote computer has permission to access the target computer (fig. 3 step #58 and step #64; col. 2 L19-31).

As per claim 11, Slaughter discloses a computer system including: a first computer and a second computer, each including a desktop (fig. 1 item #12 and fig. 2 item #46, col. 3 L10-52); a central server computer system communicatively accessible by the first and second computers (fig. 1 item #16, col. 3 L10-52), wherein the central server computer system is configured to enable a computer to share control of another computer (i.e. access another computer system) via a global computer network and is further configured to determine whether the computer has permission to share control of the another computer (fig. 1 and col. 1 L63 to col. 2 L18); a first computer program installed on the first computer and configured to send a request to the central server computer system to access and control the second computer and further configured to enable the first computer to access and control the second computer (col. 5 L56-67 and col. 3 L13-60; Applicant Admitted Prior Art, AAPA para. [0003]); and a second computer program installed on the second computer and configured to receive a request from the central server computer system to access and control the second computer and further configured to enable the first computer to access and control the second computer (AAPA para. [0001-0003]; col. 6 L23-64 and fig. 3).

However, Slaughter does not disclose the process of enabling the remote computer to access an application (i.e. a resource) on the target computer while the remote computer is participating in a data conference hosted by the service provider and enabling the remote computer to share the application on the target computer with viewers participating in the data conference.

RIDDLE, from the same field of endeavor explicitly discloses the process of enabling the remote computer to access an application on the target computer while the remote computer is participating in a data conference and enabling the remote computer to share the application on the target computer with viewers participating in the data conference.

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Slaughter in view of RIDDLE in order to enable the remote computer to access and share the application while in data conference.

One of ordinary skilled in the art would have been motivated because of the same reasons as set forth in claim 1.

As per claim 28, Slaughter discloses a system wherein the first and second computer programs are remote access programs (col. 5 L57 to col. 6 L31; AAPA para. [0003]).

As per claim 29, Slaughter discloses a system wherein remote access programs are downloaded from the central server computer system (col. 6 L20-30 and fig. 1-2).

As per claim 30, Slaughter discloses a system wherein the central server computer system includes a web server (col. 6 L10-31).

As per claim 12, it does not teach or further define over the limitations in claims 1-2, 11 and 28-30. Therefore claim 12 is rejected for the same reasons as set forth in claims 1-2, 11 and 28-30.

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2. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter, III et al. (hereinafter Slaughter, U. S. Patent No. 5,598,536) in view of RIDDLE (US 2003/0187924 A1), and further in view of Easley et al. (hereinafter Easley, Pub. No.: US 2002/0142842 A1).

As per claim 31, Slaughter in view of RIDDLE does not disclose a system wherein the first and second computer programs are software plug-ins downloadable from a website.

Easley, from the same field of endeavor discloses a system wherein software (plug-ins or other applications) is downloaded from a server (a website, pg. 3 [0028] and fig. 1).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Slaughter in view of RIDDLE and further in view of Easley, in order to download the computer programs as software plug-ins from a website.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to access the software applications through a website (Easley, [0028]).

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3. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter, III et al. (hereinafter Slaughter, U. S. Patent No. 5,598,536) in view RIDDLE (US 2003/0187924 A1), and further in view of Loveland (U. S. Patent No. 6,782,413 B1).

As per claim 32, Slaughter in view of RIDDLE does not disclose the process of accessing a stored telephone number from the target computer; dialing the telephone number to call a user at the remote computer; comparing the numeric identification code to a stored numeric identification code and allowing the remote computer to access the target computer if the received numeric identification code matches the stored identification code.

Loveland, from the same field of endeavor, explicitly discloses the process of dialing a clients telephone number that is retrieved by the manager (read as accessing a stored telephone number and dialing the telephone number to call user, col. 16 L6-15); receiving at the communication server the user's identification (read as a numeric identification code, col. 20 L6-12; fig. 8 item #606); comparing the numeric identification code to a stored numeric identification code (col. 20 L42-44; col. 19 L65-67; fig. 8 item #610); and allowing the remote computer to access the target computer if the received numeric identification code matches the stored identification code (col. 19 L65-67; fig. 8 item #614 and 616).

Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Loveland as stated above with Slaughter in view of RIDDLE in order to determine whether the remote computer has permission to access the target computer.

One of ordinary skilled in the art would have been motivated so that the user is identified and authenticated for accessing the data and other resources available to the user via

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communication server and reduce the system's vulnerability to imposter attacks (Loveland, col. 19 L60 to col. 20 L48).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Fuh et al., U. S. Patent No. 6,463,474: Local Authentication of a client at a network device.
- b. Dorfman et al., U. S. Patent No. 6,449,651 B1: Temporary Remote Access to a computer.
- c. Watson et al., U. S. Patent No. 5,475,839: Method and Structure for securing access to a computer system.

Conclusion

As per examiner, the amended claims are still considered obvious over the prior art because the invention is simply the combination of two technologies such as data conferencing and remote access, which are well defined and implemented in the relevant art.

Applicant is therefore advised to consider incorporating the following subject matter into the independent claims:

- Account set up including presenting user's homepage, as defined in specification, pg. 6-7.
- The ability to access pre-selected applications, as described on page 10, [0038].
- How does target computer initiate and establish the connection with the central computer system that resides on the service provider's side, as mentioned on page 11, [0042].
- How remote access session and data conferencing is initiated and/or conducted, as described on pg. 13 [0049-0052] and pg. 17 [0061-0062].

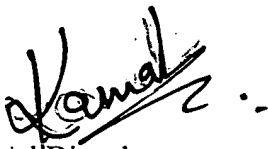
Please note that the above-mentioned scenarios are provided for suggestion purposes only, and do not mean to include any type of admission, agreement and/or commitment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

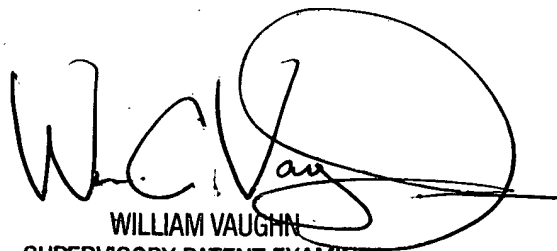
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Kamal Divecha
Art Unit 2151
November 9, 2006.



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